

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD SIEGAL,

Plaintiff,

-against-

WHITE LIGHT (Lighting) DESIGN, INC.  
and KEVIN D. WHITE,

Defendants.

: 07 CV. 5991 (JSR)

: DECLARATION OF  
: KEVIN WHITE

Kevin D. White Declares the following to be true under  
penalty of perjury

1. I am a defendant in this action along with White Lighting Design, Inc. ("WLD"), of which I am the President and sole shareholder. I submit this Declaration in support of defendants' motion to dismiss the Complaint for lack of personal jurisdiction or, in the alternative, to transfer this action to the District of Colorado.

2. WLD is a small lighting design and consultation firm that specializes in high end residential projects. WLD has been in business for over 20 years. Our reputation is such that 100% of our work comes from referrals.

3. WLD employs four people besides me. WLD is located in Wheat Ridge, Colorado, a suburb of Denver, and has no active, ongoing business presence anywhere else. We visit project sites from time to time but that is the full extent of our activities outside of our Colorado office. We are not an electrical engineering firm nor are we electrical contractors.

4. The plaintiff, Richard Siegal, is an extremely wealthy individual. He owns and runs prominent oil and gas exploration company which I understand has interests in over 1400 oil or gas wells throughout the world. In comparison, WLD's gross annual income over the last four years has averaged less than one million dollars.

5. WLD has performed services for Mr. Siegal, and his wife, Gail, in the past. We provided lighting design services for the Siegal's homes in Long Island New York and Vail, Colorado.

6. While we were at the Siegal's Vail Colorado home in the Summer of 2003, they asked, and I agreed, to have WLD provide the lighting services mentioned in the Complaint, which were part of a much larger project to build a new home for the Siegals in the Bahamas.

7. Over the course of the four years we have spent working on this project, 99.99% of the time spent in creating any and all of the documentation for our design and specifications was spent in our offices in Colorado. In connection with the project, we visited the site at least 70 times, usually for three to seven days at a time. Occasionally, for their convenience, we met the Siegals in Vail or at their Long Island home. None of our New York visits involved contract negotiation or execution.

8. All of the records, details and drawings for the Bahamas project are in our files in Colorado. All of the specifications and documentation for the project was created here in our Colorado offices. There are in excess of one thousand pages of hard copy files and electronic files for the project. All of the WLD employees who worked on the project reside in Colorado.

9. WLD's scope of services was part of a much larger project that included a general contractor and many sub-contractors. The overall construction project has gone extremely poorly. I believe this lawsuit is a misdirected offshoot of Mr. Siegal's many complaints against the general contractor, Osprey Developers.

10. Mr. Siegal has on several occasions expressed to me his extreme dissatisfaction and concern with several firms working on this project, including the original builder, Osprey Developers; the current builder, SMG Corporation; the architect of design, Morter Architects; the architect of record, Plan It Bahamas; the owners representative/project manager, Lessard and CO.; the landscape architect, Sanchez & Maddux; the first interior design company, The Weisman Group; the current interior design company, BHR Design; the first Audio/Video consultant, Prometheus Systems, and others.

11. Mr. and Mrs. Siegal have asked for my opinion about the other tradesmen and the quality of their work. As recently as February of 2007, Mr. Siegal told me that I was the only one they trusted. Serious problems with the project include, but are not limited to, a roof that leaks and was not built according to specifications; an improperly engineered HVAC system that has leaked, causing major damage and mold; a swimming pool that was not grounded or bonded creating a life safety issue; and an audio/video system that was poorly designed and installed. The list goes on.

12. This action also appears to be an attempt to preempt a lawsuit by WLD. This action was filed less than two weeks after WLD sent a demand letter to the Siegals looking for payment of our outstanding invoices.

Dated: Wheat Ridge, Colorado  
July 5, 2007

A handwritten signature in black ink, appearing to read 'K. White', written over a horizontal line.

KEVIN D. WHITE